

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL EDWARD CALLAHAN,

Plaintiff,

v.

MUSKEGON COUNTY,

Defendant.

Hon. Phillip J. Green

Case No. 1:16-cv-00208-PJG

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ORDER

Plaintiff brought this action under 42 U.S.C. § 1983, alleging various violations of his constitutional rights. (Complaint, ECF No. 1). Plaintiff paid the filing fee. This matter is before the Court on plaintiff's motion "To Proceed in Forma Pauperis." (ECF No. 17). The motion is actually one asking the Court to appoint counsel on the basis of plaintiff's indigence. (*Id.*, PageID.195). Plaintiff has provided an unsworn statement regarding his income, expenses and debts. (*Id.*, PageID.196-97). The Court assumes, without deciding, indigence for purposes of this Order.

Indigent parties in civil cases have no constitutional right to a court-appointed attorney. *Abdur-Rahman v. Mich. Dep't of Corr.*, 65 F.3d 489, 492 (6th Cir. 1995); *Lavado v. Keohane*, 992 F.2d 601, 604-05 (6th Cir. 1993). The Court may, however, request an attorney to serve as counsel, in the Court's discretion. *Abdur- Rahman*, 65 F.3d at 492; *Lavado*, 992 F.2d at 604-05; *see Mallard v. U.S. Dist. Court*, 490 U.S. 296 (1989).

Appointment of counsel is a privilege that is justified only in exceptional circumstances. In determining whether to exercise its discretion, the Court should consider the complexity of the

issues, the procedural posture of the case, and plaintiff's apparent ability to prosecute the action without the assistance of counsel. *See Lavado*, 992 F.2d at 606.

The Court has carefully considered these factors and determines that, at this stage of the case, the assistance of counsel does not appear necessary to the proper presentation of plaintiff's position. Accordingly, plaintiff's request for appointment of counsel is **DENIED**.

IT IS SO ORDERED.

Date: June 24, 2016

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge